



Appln. No. 09/824,074  
Docket 99B156

Expedited Procedure  
Group 3746

EXPRESS MAIL LABEL NO. 889409728 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No. : 09/824,074  
Applicant : Dovey et al.  
Filed : April 2, 2001  
Title : IMPROVEMENTS IN RECIPROCATING MACHINES  
TC/A.U. : 3746  
Examiner : Michael Kuhn Gray  
Docket No. : 99B156

**RECEIVED**

JUN 20 2003

TECHNOLOGY CENTER R3700

#10/Recon  
6/23/03  
D. Brewer

**RESPONSE AFTER FINAL REJECTION**

I hereby certify that this and the enclosed paper(s) and/or fee(s) is/are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 12, 2003  
Date of Deposit

Marta E. Delsignore  
Attorney Name  
*Marta E. Delsignore*  
Signature

32,689  
PTO Registration No.  
June 12, 2003  
Date of Signature

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is in response to the final rejection mailed December 12, 2002.

Reconsideration of the rejection of record is respectfully requested.

Claims 1-8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,176,683 to Yang.

In this regard the Examiner's attention is invited to the Declaration Under 37 F.R. §1.131 of Stephen J. Dovey ("Dovey Declaration"), a co inventor of the above-identified patent application. As set forth in the Dovey Declaration, the claimed invention was reduced to practice prior to April 28, 1999, the filing date of the Yang reference. Accordingly, it is respectfully submitted that U.S. Patent No. 6,176,683 does not constitute prior art.

Claims 1-8 have been further rejected under 35 U.S.C. §103(a) as being unpatentable over Matsumara et al., JP 11-324911 in view of Yang. As set forth above in the Dovey Declaration, the claimed invention was reduced to practice prior to April 28, 1999. Thus, Yang does not constitute prior art. Matsumura et al. merely discloses an arrangement including a displacement sensor designed to "eliminate a danger that a piston collides with an upper wall of a cylinder evening the case where a load is suddenly fluctuated" see Problem to Solved), a sensor which is capable of detecting contact between the piston and the opposed ends was simply not contemplated by Matsumara et al; rather the sensor and arrangement contemplated by Matsumura et al. was designed to avoid just such an occurrence . Matsumara et al. fails to teach or suggest the claimed invention.

Finally, enclosed herewith is an Information Disclosure Statement including the Dovey Declaration, Declaration by Carl Watkinson, and Declaration by David Steele. Information in these Declarations relating to price quotes is submitted in an abundance of caution. Applicants do not believe information presented in the Declarations constitutes an offer for sale of the invention more than one year prior to the

filing of this application. The undersigned attorney for applicant believes the Watkinson Declaration accurately summarizes Mr. Watkinson's observations. An executed copy of the Watkinson Declaration will be submitted as soon as it is available.

In view of the foregoing claims 1-8, all the pending claims are in condition for allowance.

Prompt and favorable action is respectfully requested.

Dated: June 12, 2003

Respectfully submitted,

  
Marta E. Delsignore (Reg. No. 32,689)  
GOODWIN PROCTER LLP  
599 Lexington Avenue  
New York, NY 10022  
(212) 813-8822

Attachment